

REMARKS

In the present amendment, claims 1, 2, 6, 7, and 8 have been amended and claim 5 has been cancelled. Accordingly, claims 1-3 and 6-10 are pending in the application with claim 1 being independent.

Applicant notes that the present amendments have been made to clarify language and to better comply with idiomatic English and standard U.S. practice. No new matter has been added.

Interview with Examiner

Applicant expresses appreciation for the courtesies extended by the Examiner during an October 31, 2008 telephone interview with Applicant's representative Katrin Venter, wherein acceptable amendments with respect to the phrase "natural raw material" of claim 1 were discussed.

In the interview, the Examiner agreed that the phrase "processed non-synthetic material" would be acceptable language to overcome the utility and indefiniteness rejections of record.

Response to rejection under 35 U.S.C. § 101

The Office Action rejects claims 1-3, and 5-10 under 35 U.S.C. § 101, because the claimed invention is allegedly directed to non-statutory subject matter. Specifically, the Examiner points out that the claim language a "natural raw material" refers to "a material that is found in nature, not processed, altered, refined, or otherwise transformed by men."

In response, Applicant respectfully submits that in an attempt to advance prosecution of the application and without expressing agreement with or acquiescence to the rejection, independent claim 1 has been amended to render the rejection moot.

Applicant notes that amended independent claim 1 is clearly directed to a processed non-synthetic material, wherefore withdrawal of the utility rejection is respectfully requested.

Response to Rejection under 35 U.S.C. § 112, second paragraph

The Office Action rejects claims 1-3, and 5-10 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite because it is unclear “whether the claimed material is processed.”

In response, as pointed out above, Applicant respectfully notes that in an attempt to advance prosecution of the application and without expressing agreement with or acquiescence to the rejection the claims have been amended in order to further clarify the claims by reciting a “processed non-synthetic material.”

In view of the present claim amendments, Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. § 112, second paragraph, as well.

CONCLUSION

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejections of record, and allow each of the pending claims. Applicant therefore respectfully requests that an early indication of allowance of the application be indicated by the mailing of the Notices of Allowance and Allowability.

Should the Examiner have any questions regarding this application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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December 23, 2008
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